



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

November 15, 2019

BY ECF

The Honorable Sidney H. Stein
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States v. Uzair Paracha*, 03 Cr. 1197 (SHS)

Dear Judge Stein:

The Government respectfully writes pursuant to the Court's August 29, 2019 and October 31, 2019 orders requiring the Government to submit status reports in the above-captioned case. During the period since the Government's last update to the Court, the Government has continued to: (i) identify, collect, and review numerous classified documents generated by intelligence community ("IC") and military components that are not part of the prosecution team (the "Classified Documents"); (ii) prepare proposed substitutions for Classified Documents that the prosecution team has identified as potentially discoverable, which are subject to review and approval by the owners of the documents before any such summaries can be shared with the Court or counsel; (iii) discuss those proposed summaries with the owners of the documents and other equity holders, who have begun providing feedback to the Government regarding whether and what content within those proposed summaries can be disclosed, and at what level of classification; (iv) communicate with various members of the IC and military components to locate, identify, and search for additional potentially discoverable materials; and (v) obtain necessary clearances for, and brief, four Federal Bureau of Investigation ("FBI") agents who are participating in the Government's review as of today.

First, during the period since the Government's last update letter, which has comprised eleven business days¹ (including today), five Government attorneys and four FBI agents have participated in approximately nine, three, three, two, two, two, two, one, and one days' worth of review of the Classified Documents. Thus far, the Government has reviewed a total of approximately 6,299 of the Classified Documents in a first-level layer of review. That includes review of the additional approximately fifty documents held by another IC member that the Government previously described to the Court.

¹ As previously noted, the Government has thus far only been permitted access to the facility where it is reviewing documents on business days. The Government was not permitted access to the facility on November 11, 2019.

Second, the Government has continued its efforts to identify the full universe of materials that it must review in order to comply with its discovery obligations by participating in numerous conversations with representatives from the IC and military components and lodging requests with those entities for additional potentially discoverable materials. In partial response to the Government's prior requests, the Government received notice last week of a significant volume of additional material from a military component—data created after the defendant's first trial—that the Government will need to assess in order to determine what, if any, disclosure obligations it has with respect to the material and whether it will need to request permission from the component to produce the material to defense counsel.

Third, the Government briefed four FBI agents who will participate in the review process on the facts of the case and the relevant legal concepts, and distributed to those agents a review protocol. Despite efforts to expedite the clearance process, however, the agents were not cleared to enter the facility until late this week. Between yesterday and today, all four agents have now started reviewing the Classified Documents inside the secure facility.

Finally, there remains, at this point, no subset of the Classified Documents or the content therein that the Government has been granted permission to produce to the defense, although the Government has been in regular discussions with the relevant stakeholders regarding which of the documents (among those the Government has already reviewed) the Government will ultimately seek to produce in some form pursuant to the Classified Information Procedures Act.

Respectfully submitted,

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